United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

Tribal Government
Services

Through: Area Director, Aberdeen Area

OCT 21 1974

Mr. Anson Baker

Superintendent, Fort Berthold Agency

Dear Mr. Baker:

We have received the results of the election held on August 13, 1974, by the qualified voters of the Three Affiliated Tribes of the Fort Berthold Reservation. The election was called in accordance with orders duly approved on June 20, 1974, which permitted the qualified voters of the tribes to adopt or reject proposed constitutional amendments.

As evidenced by the Certificates of Results of Election, signed by the election board members, the proposed amendments were duly adopted by the voters.

As stated in the September 10, 1974, telegram to you from Secretary Morton, the proposed amendments designated A, B and D were approved by him and became effective as of that date. They shall henceforth be designated as Amendments III, IV and V.

Pursuant to the authority delegated to me by 230 DM 1.1, Amendments III, IV and V to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, are hereby formally approved as of September 10, 1974, and are returned for delivery to the tribes.

Sincerely yours,

Raymond V. Butler

Acting Deputy Commissioner of Indian Affairs

Enclosures

CONSERVE AMERICA'S ENERGY

Transmitted

Area Director

Save Energy and Your Service America!

AMENDMENT
CONSTITUTION AND BYLAWS
of the
THREE AFFILIATED TRIBES
of the
FORT BERTHOLD RESERVATION
NORTH DAKOTA

AMENDMENT III

Sections 2, 5 and 6 of Article III, GOVERNING BODY, shall be deleted and replaced by Sections 2(a), 2(b), 2(c) and 5 which shall read as follows:

Sec. 2(a). The Tribal Business Council shall consist of a chairman elected at large and ten (10) members elected on an at large basis to represent segments of the reservation as follows:

Western Segment	3 Representatives
Northern Segment	1 Representative
Northeastern Segment	1 Representative
Eastern Segment	3 Representatives
Southern Segment	2 Representatives

Sec. 2(b). While candidates for each of the ten (10) council member positions (representatives) must qualify on the basis of the segment they propose to represent, they, as well as candidates for the office of chairman, shall be subject to an election open to all qualified voters on a reservation-wide basis, including those entitled to vote by absentee ballot.

In segments where there are three (3) representatives, the three (3) qualified candidates from each such segment receiving the highest number of votes shall be declared elected.

In the segment where there are two (2) representatives, the two (2) qualified candidates receiving the highest number of votes shall be declared elected.

In segments where there is only one (1) representative, the one (1) qualified candidate from each such segment receiving the highest number of votes shall be declared elected.

Sec. 2(c). The chairman of the Tribal Business Council shall be elected at large by a majority of all votes cast for the office of chairman. If no candidate for chairman receives a majority of the votes cast for that office at the general election, a special run-off election shall be held between the two (2) candidates which received the highest number of votes at the general election. The candidate receiving the highest number of votes at the special run-off election shall be declared elected as chairman.

Sec. 5. Within three (3) days after the installation of the successful candidates for council positions elected at the general election, the newly constituted Tribal Business Council shall meet and organize by electing a vice chairman, a secretary, and a treasurer from its own members; and from within or outside its own members, it may elect or appoint a sergeant at arms and such other officers and committees as it may find necessary.

Section 3(a) of Article IV, NOMINATIONS AND ELECTIONS, shall be amended to read as follows:

Sec. 3(a). The regular election to fill all vacancies on the Tribal Business Council shall be held on the third Tuesday of September in even numbered years, or, in the event the election cannot be held on said date, on a date designated by the Tribal Business Council which shall be within thirty (30) days of the date heretofore specified.

At the September, 1974 election the five (5) candidates elected receiving the highest number of votes and the successful candidate for chairman shall serve four-year terms, or until their successors are duly elected and installed.

In cases of a tie between elected candidates, those tied candidates shall draw straws in a special lottery conducted by the tribal election board to determine which elected candidate shall serve a four-year term. The remaining five (5) candidates elected to the Tribal Business Council shall serve two-year terms. Thereafter, five (5) representatives shall be elected every second year to serve four-year terms. The term of office for chairman shall expire in 1978 and every four (4) years thereafter. In each instance, the above officials shall serve for the specified term or until their successors are duly elected and installed, unless earlier removed from office.

In case of a tie vote for any position on the Tribal Business Council such that the qualified representative, or representatives, from that particular segment is, or are, not elected, a special run-off election shall be held between the tied candidates for that position on the Tribal Business Council, in which all qualified voting members of the Three Affiliated Tribes shall be eligible to vote. The candidate or candidates receiving the highest number of votes in the special run-off election shall, in order of vote, be declared elected to fill the vacant position or positions on the Tribal Business Council.

In the case of a tie vote in two (2) consecutive special run-off elections held between the same tied candidates for a particular position on the Tribal Business Council, those candidates shall draw straws in a special lottery conducted by the tribal election board to determine which candidate shall fill the position on the Tribal Business Council.

Section 6 of Article IV, NOMINATIONS AND ELECTIONS, shall be amended by adding to it the following paragraph:

Any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate for the office of tribal chairman by filing a notice of candidacy with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate.

Section 1 of Article V, VACANCIES AND REMOVAL FROM OFFICE, shall be amended to read as follows:

Sec. 1. If a council member or officer shall die, resign, or be permanently removed from the reservation, or be removed from office for cause, the council shall have full authority to appoint a qualified tribal member from the segment where the vacancy occurs to serve the unexpired term of said member or office.

However, in case the chairman's position becomes vacant due to the chairman's death, resignation, permanent removal from the reservation or removal from office for cause, the unexpired term of the chairman shall be filled by a member of the council, selected by a majority vote of the council. In that instance, the council shall promptly appoint, as herein provided, to fill the vacancy created by a council member assuming the chairman's position.

APPROVAL

(Amendment III)

I, Raymond V. Butler, Acting Deputy, Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 DM 1.1, do hereby approve Amendment III to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. Said amendment is effective from September 10, 1974, the date it was initially approved by a telegram from the Secretary.

Raymond V. Butler

Acting Deputy Commissioner of Indian Affairs

Washington, D. C.

Date: October 21, 1974

CERTIFICATE OF RESULTS OF ELECTION

(Proposed Amendment A)

Pursuant to an election authorized by the _____ Commissioner of Indian Affairs on 6/20, 1974, under delegated authority, the attached proposed Amendment A to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, was submitted to the qualified voters of the tribes and was on 8/13, 1974, duly ~~rejected~~ adopted by a vote of 278 (number) for and 147 (number) against in an election in at least thirty percent (30%) of the 1131 (number) entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

L. L. Baker
Chairman, Election Board

8/13/74
Date of Certification

Arlene Hale
Election Board Member

Allison Hale
Election Board Member

AMENDMENT
CONSTITUTION AND BYLAWS
of the
THREE AFFILIATED TRIBES
of the
FORT BERTHOLD RESERVATION
NORTH DAKOTA

AMENDMENT IV

Section 2(a) of Article IV, NOMINATIONS AND ELECTIONS, shall be amended to read as follows:

> Sec. 2(a). Any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is eighteen (18) years of age or over, shall be eligible to vote at any tribal election.

APPROVAL

(Amendment IV)

I, Raymond V. Butler, Acting Deputy, Commissioner of Indian Affairs by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 DM 1.1, do hereby approve Amendment IV to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. Said amendment is effective from September 10, 1974, the date it was initially approved by a telegram from the Secretary.

Raymond V. Butler

Acting Deputy Commissioner of Indian Affairs

Washington, D. C.

Date: October 21, 1974

CERTIFICATE OF RESULTS OF ELECTION

(Proposed Amendment B)

Pursuant to an election authorized by the _____ Commissioner of Indian Affairs on 6/20, 1974, under delegated authority, the attached Proposed Amendment B to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, was submitted to the qualified voters of the tribes, and was on 8/13, 1974 duly adopted/rejected by a vote of 291 (number) for and 135 (number) against in an election in which at least thirty percent (30%) of the 1131 (number) entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Chairman, Election Board

8/13/74
Date of certification

Election Board Member

Election Board Member

AMENDMENT
CONSTITUTION AND BYLAWS
of the
THREE AFFILIATED TRIBES
of the
FORT BERTHOLD RESERVATION
NORTH DAKOTA

AMENDMENT V

Section 1 of Article III of the bylaws, MEETING OF COUNCIL, shall be amended to read as follows:

> Section 1. The regular meetings of the Tribal Business Council shall be held at such place as may be designated by the Tribal Business Council, on the second Thursday of each month.

APPROVAL

(Amendment V)

I, Raymond V. Butler, Acting Deputy, Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat 984), as amended, and delegated to me by 230 DM 1.1, do hereby approve Amendment V to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. Said amendment is effective from September 10, 1974, the date it was initially approved by a telegram from the Secretary.

Raymond V. Butler

Acting Deputy Commissioner of Indian Affairs

Washington, D. C.

Date: October 21, 1974

CERTIFICATE OF RESULTS OF ELECTION

(Proposed Amendment D)

Pursuant to an election authorized by the _____ Commissioner of Indian Affairs on 6/20, 1974, under delegated authority, the attached Proposed Amendment D to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, was submitted to the qualified voters of the tribe, and was on 8/13, 1974, duly adopted / rejected by a vote of 322 (number) for and 104 (number) against in an election in which at least thirty percent (30%) of the 1131 (number) entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Chairman, Election Board

8/13/74
Date of certification

Irene Hale
Election Board Member

Allison Hare
Election Board Member

AMENDMENT
CONSTITUTION AND BYLAWS
of the
THREE AFFILIATED TRIBES
of the
FORT BERTHOLD RESERVATION
NORTH DAKOTA

AMENDMENT VI

Section 1 of Article II, MEMBERSHIP, shall be deleted and replaced by Sections 1(a), (b) and (c) which shall read as follows:

Section 1. Membership. The membership of the Three Affiliated Tribes of the Fort Berthold Reservation shall consist of:

(a) All persons whose names appear on the membership of the Tribes as of October 2, 1974.

(b) Any persons born before the effective date of this amendment and to any member of the Tribes who was a resident of the reservation at the time of birth of said person.

(c) All persons of at least 1/4 degree Indian blood of a federally recognized tribe provided at least 1/8 Indian blood be of the Gros Ventre, Mandan and/or Arickara Tribes.

Former Section 2 of Article II, MEMBERSHIP, shall be Section 3, and shall read as follows:

Section 3. The Tribal Business Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership, the adoption of new members and the revision of the membership rolls from time to time as determined by such ordinances.

CONSTITUTION AND BYLAWS OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION

PREAMBLE

We, the Arickara, Gros Ventres, and Mandan Indians of the Fort Berthold Reservation, in North Dakota, eagerly embrace the opportunities of self-rule, and in order to enjoy the blessings of liberty and justice; to intelligently protect our vested rights under existing treaties and the constitution of the United States; to guarantee to our posterity a more hopeful future; to preserve and develop our real estate and resources; to promote educational efficiency for the enhancement of good citizenship; to promote the general welfare of the three tribes; to make possible a more hopeful, self-sustaining, and honorable living, socially and economically, do with deep consciousness of God, as our sovereign, ordain and establish this constitution for the Three Affiliated Tribes of this Reservation.

ARTICLE I - TERRITORY

The jurisdiction of the Three Affiliated Tribes of the Fort Berthold Reservation shall extend to Indian Trust and Tribal lands within the confines of the Fort Berthold Reservation, as defined in the treaty of September 17, 1851; to lieu lands outside of such boundaries; and to such other lands, within or without such boundaries, as have been or may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II - MEMBERSHIP

See Amend. VI

~~SECTION 1. The membership of the Three Affiliated Tribes of the Fort Berthold Reservation shall consist of all persons of Indian blood whose names appear on the official census roll of the three tribes as of April 1, 1935; and all children born to any member of the tribes who is a resident of the Reservation at the time of the birth of said children.~~

See Amend VI

~~SECTION 2. The Tribal Business Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership, the adoption of new members and the revision of the membership rolls from time to time as determined by such ordinances.~~

new sec. 3 See Amend. VI

ARTICLE III - GOVERNING BODY

SECTION 1. The governing body of the Three Affiliated Tribes of the Fort Berthold Reservation shall be known as the Tribal Business Council.

SECTION 2 (a). The Tribal Business Council shall consist of a chairman elected at large and ten (10) members elected on an at large basis to represent segments of the reservation as follows:

Western Segment	3 Representatives
Northern Segment	1 Representative
Northeastern Segment	1 Representative
Eastern Segment	3 Representatives
Southern Segment	2 Representatives

SECTION 2 (b). While condidates for each of the ten (10) council member positions (representatives) must qualify on the basis of the segment they propose to represent, they, as well as candidates for the office of chairman, shall be subject to an election open to all qualified voters on a reservation-wide basis, including those entitled to vote by absentee ballot.

In segments where there are three (3) representatives, the three (3) qualified condidates from each such segment receiving the highest number of votes shall be declared elected.

In the segment where there are two(2) representatives, the two (2) qualified candidates receiving the highest number of votes shall be declared elected.

In segments where there is only one (1) representative, the one (1) qualified candidate from each such segment receiving the highest number of votes shall be declared elected.

SECTION 2 (c). The Chairman of the Tribal Business Council shall be elected at large by a majority of all votes cast for the office of chairman. If no candidate for chairman receives a majority of the votes cast for that office at the general election, a special run-off election shall be held between the two (2) condidates which received the highest number of votes at the general election. The candidate receiving the highest number of votes at the special run-off election shall be declared elected as chairman.

SECTION 3. The boundaries of the segments as amended by referendum vote September 1, 1970, Resolution #70-89, shall be described as follows:

Western: That part of the Reservation starting at a point at the junction of the western boundary of the Reservation with the 48th parallel of north latitude, thence east along the 48th parallel to the thread of the Missouri River channel, thence southerly and easterly along the thread of the Missouri River, to the juncture of the thread of the Little Missouri, thence westerly following the thread of the Little Missouri to its juncture with the western boundary line of the Reservation, thence northerly along that line to the point of beginning.

Northern: That part of the Reservation starting at a point at the juncture of the thread of the stream of the Missouri River with the 48th parallel of north latitude, thence southward along the thread of the Missouri River to the thread of the Van Hook Arm, thence northward along the thread of the Van Hook Arm to the thread of Shell Creek, thence northeasterly along the thread of Shell Creek to its junction with the 48th parallel, thence due east along the 48th parallel to the point of beginning.

Northeastern: That part of the Reservation starting at a point at the junction of the thread of the stream of Shell Creek with the 48th parallel, thence southward along the thread of Shell Creek to the thread of the Van Hook Arm, thence southward on the thread of the Van Hook Arm to the thread of the Missouri River, then southward on the thread of the Missouri River to the thread of Deep Water Bay, thence easterly in a line to a point approximately 1-$\frac{1}{2}$ miles due south of North Dakota Highway Route 37, thence due north to that road and continuing along that highway route to a point intersecting the McLean-Mountrail County line, thence easterly on that line to its juncture with the line that divides ranges 87 and 88 West, thence north on that line to a point at the juncture of the 48th parallel, thence westerly on that parallel to the point of beginning.

Eastern: That part of the Reservation starting at a point approximately 1-$\frac{1}{2}$ miles due south of North Dakota Route 37, thence westerly to the thread of the Deep Water Bay, thence along that thread to its juncture with the thread of the Missouri River, thence southerly and westerly along the thread of the Missouri to the extreme southeasterly corner of the Reservation boundary, thence north approximately two miles thence due west to the line that divides ranges 87 and 88 West, thence north on that line to its juncture with the McLean-Mountrail County line, thence west on that county line to its juncture with Route 37, thence southerly along Route 37 to a point where it curves sharply to the west, thence due south from that point until the point of beginning.

Southern: That part of the Reservation starting at a point at the confluence of the Missouri and Little Missouri Rivers, thence southwesterly along the stream of the Little Missouri to the southern-most border of the Reservation, thence eastward along that border to a point on that line one mile beyond Beaver Creek Bay, thence in a northeasterly direction to the thread of the stream of the Missouri River, thence northwesterly along that stream to the point of beginning.

SECTION 4. The Tribal Business Council shall have the authority to change the segment boundaries, subject to the approval of the voters of the Reservation at any regular or special election.

SECTION 5. Within three (3) days after the installation of the successful candidates for council positions elected at the general election, the newly constituted Tribal Business Council shall meet and organize by electing a vice-chairman, a secretary, and a treasurer from its own members; and from within or outside its own members, it may elect or appoint a sergeant-at-arms and such other officers and committees as it may find necessary.

SECTION 6. The members of the Tribal Business Council shall hold office until the next regular election and until their successors are elected or appointed and qualified.

ARTICLE IV - NOMINATIONS AND ELECTIONS

SECTION 1. All elections shall be by secret ballot.

SECTION 2 (a). Any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is eighteen (18) years of age or over, shall be eligible to vote at any tribal election.

SECTION 2 (b). Absentee ballots will be furnished to any enrolled non-resident member of the tribes upon request to the tribal secretary made ten (10) days before the election. The ballot must be returned to and reach the tribal secretary on or before the date of the election in order that it may be counted.

SECTION 3 (a). The regular election to fill all vacancies on the Tribal Business Council shall be held on the third Tuesday of September in even numbered years, or, in the event the election cannot be held on said date, on a date designated by the Tribal Business Council which shall be within thirty (30) days of the date heretofore specified.

At the September 1974 election the five (5) candidates elected receiving the highest number of votes and the successful candidate for chairman shall serve four-year terms, or until their successors are duly elected and installed.

In cases of a tie between elected candidates, those tied candidates shall draw straws in a special lottery conducted by the tribal election board to determine which elected candidate shall serve a four-year term. The remaining five (5) candidates elected to the Tribal Business Council shall serve two-year terms. Thereafter, five (5) representatives shall be elected every second year to serve four-year terms. The term of office for chairman shall expire in 1978 and every four (4) years thereafter. In each instance, the above officials shall serve for the specified term or until their successors are duly elected and installed, unless earlier removed from office.

In case of a tie vote for any position on the Tribal Business Council such that the qualified representative, or representatives, from that particular segment is or are, not elected, a special run-off election shall be held between the tied candidates for that position on the Tribal Business Council, in which all qualified voting members of the Three Affiliated Tribes shall be eligible to vote. The candidate or candidates receiving the highest number of votes in the special run-off election shall, in order of vote, be declared elected to fill the vacant position or positions on the Tribal Business Council.

In case of a tie vote in two (2) consecutive special run-off elections held between the same tied candidates for a particular position on the Tribal Business Council, those candidates shall draw straws in a special lottery conducted by the tribal election board to determine which candidates shall fill the position on the Tribal Business Council.

SECTION 3 (b). Notice of regular elections shall be given by the secretary of the Tribal Business Council who shall give to all enrolled members of the tribe, thirty (30) days notice of the time and place of the regular election. In the event the tribal secretary shall fail to give the appropriate notice, or in case a regular election has not been held, the Secretary of the Interior, upon the receipt of a petition signed by at least thirty (30) percent of the adult members of the tribe, shall call such election and give twenty-five (25) days notice, setting the time and place.

SECTION 4. Special elections may be called by a two-thirds vote of the Tribal Business Council in favor of such special election, or by a petition signed by at least 10 percent of the qualified voters of each community as provided in Article VIII.

SECTION 5. All elections shall be held under the supervision of the Tribal Business Council or an election board appointed by that Council, and the Tribal Business Council or the election board appointed by it, shall make rules and regulations governing all elections, and shall designate the polling places and the election officers.

SECTION 6. In the first election after the adoption of this amendment any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herin may become a candidate to represent said segment on the Tribal Business Council by filing a notice of his candidacy with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate. In all succeeding elections a qualified voter to be eligible to become a candidate must have resided in the segment he proposes to represent for a period of at least six (6) months next preceding the date of the election. At least ten (10) days before the election, the Secretary of the Tribal Business Council shall post the names of all candidates in each voting community. In the event that any community has no qualified candidate, as provided herein, such community may nominate one or more candidates by petition, signed by at least ten (10) qualified voters of such community. Any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate for the office of tribal chairman by filing a notice of candidacy with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate.

ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a council member or officer shall die, resign, or be permanently removed from the reservation, or be removed from office for cause, the council shall have full authority to appoint a qualified tribal member from the segment where the vacancy occurs to serve the unexpired term of said member or office. However, in case the chairman's position becomes vacant due to the chairman's death, resignation, permanent removal from the reservation or removal from office for cause, the unexpired term of the chairman shall be filled by a member of the council, selected by a majority vote of the council.

In that instance, the council shall promptly appoint, as herein provided, to fill the vacancy created by a council member assuming the chairman's position.

SECTION 2. The Tribal Business Council may expel a member for cause by seven or more members voting for such expulsion, but before any vote is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated meeting of the Council, and the decision of the Tribal Business Council shall be final as to the expulsion or retention of such member.

ARTICLE VI - POWERS

SECTION 1. The Three Affiliated Tribes of the Fort Berthold Reservation, acting through their Tribal Business Council shall have the powers enumerated in this Article, but any power exercised through that council shall be subject to a popular referendum as provided in this Constitution.

SECTION 2. The exercise of the powers enumerated in this Constitution is subject to any limitations imposed by the Statutes of the United States or the Constitution of the United States, and to all express restrictions upon such powers contained in this Constitution and Bylaws.

SECTION 3. The powers enumerated in this Section 3 shall be subject to the approval of the Secretary of the Interior, and may be exercised through the Tribal Business Council which shall have the power, subject to popular referendum as provided in Article VIII of this Constitution:

(A) To present and prosecute any claims or demands of the Three Affiliated Tribes, and to assist members of the Three Affiliated Tribes in presenting their claims or grievances before any court or agency of government, and to employ attorneys of record or representatives for such services, and to determine their fees.

(B) To promulgate ordinances governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances in cases which do not come within the jurisdiction of the federal courts exclusively.

(C) To promulgate ordinances and to adopt rules and regulations and codes for the regulation of the domestic relations of members, and governing marriages, divorce, legitimacy, adoption, the care of dependents, the punishment of offenses against the marriage relationship, and the issuance of licenses and decrees of divorce; all of the matters enumerated in this section to be administered by the Tribal Business Council through a reservation or trial court, except such of these matters as the Tribal Business Council may by ordinance or resolution leave to state laws and courts.

(D) To remove or exclude from the limits of the Reservation, non-members of the Tribe, excepting authorized government officials and other persons now occupying reservation lands under lawful authority, and to prescribe appropriate rules and regulations under which non-members doing business within the reservation, such acts to be consistent with Federal laws governing trade with Indian Tribes.

SECTION 4. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior shall be presented to the Superintendent of the Fort Berthold Reservation, who shall, within 10 days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Business Council of his veto.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him within 10 days after its enactment, he shall advise the Tribal Business Council of his reasons therefor. If these reasons appear to the Council insufficient, it may by a majority vote, refer the resolution or ordinance to the Secretary of the Interior, who may within 90 days of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION 5. The Tribal Business Council shall have the following powers, the exercise of which shall be subject to popular referendum as hereinafter provided in this Constitution.

(a) To manage all economic affairs and enterprises of the Three Affiliated Tribes of the Fort Berthold Reservation in accordance with the terms of a charter to be issued to them by the Secretary of the Interior.

(b) To create and maintain a Tribal Business Council Fund by accepting grants or donations from any person, State, or the United States, or by income from the tribal enterprises, or by levying assessments of not less than 10 cents and not to exceed $1 per year per capita on the qualified voters of the Three Affiliated Tribes, and to require the performance of labor in lieu thereof, provided the payment of such per capita levy shall be made before any person shall vote in any election held more than 6 months after the date of said levy.

(c) To administer any funds or property within the exclusive control of the tribe, to make expenditures from available tribal funds for public purposes of the tribe, including salaries or other remuneration of tribal officials or employees. Such salaries or remuneration shall be paid only for services actually rendered. All expenditures from the Tribal Business Council fund shall be by resolution duly passed by the Council to such effect, and the amounts so paid shall be matters of public record at all times.

(d) To negotiate with the Federal, State and local governments on behalf of the tribe, and to advise and consult with the representatives of the Interior Department on all activities of that department that may affect the Fort Berthold Reservation.

(e) Stricken by amendment.

(f) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Three Affiliated Tribes prior to the submission of such estimates or projects to the Bureau of the Budget and to Congress.

(g) To purchase land of members of the organization under condemnation proceedings in courts of competent jurisdiction.

(h) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of their jurisdiction.

(i) To make assignments and leases of tribal lands, and otherwise to manage tribal lands, interests in tribal lands, and property upon such lands, in conformity with Article IX of this Constitution.

(j) To protect and preserve the property, wildlife, and natural resources of the tribes; to regulate hunting and fishing on tribal lands; and to cultivate and preserve native arts, crafts, culture, ceremonials, and traditions.

(k) To make recommendations to the Superintendent of the Fort Berthold Agency, the Commissioner of Indian Affairs, or the Secretary of the Interior, concerning the appointment and removal of employees assigned to duty on the Fort Berthold Reservation.

(l) To adopt resolutions regulating the procedure of the Tribal Business Council and other tribal agencies and tribal officials of the Reservation.

SECTION 6. Likewise subject to popular referendum, the Tribal Business Council may exercise such further powers as may in the future be delgated to the Three Affiliated Tribes of the Fort Berthold Reservation by the Secretary of the Interior or by any other duly authorized official or agency of government.

SECTION 7. Any rights and powers heretofore vested in the three tribes of the Fort Berthold Reservation, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Fort Berthold Reservation through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VIII - REFERENDUM

Upon a petition signed by at least 10 percent of the qualified voters of each community, demanding a referendum on any proposed or enacted ordinance or resolution of the Tribal Business Council, the council shall call an election and the vote of a majority of the qualified voters voting in such referendum shall be binding upon the Tribal Business Council, provided that at least 30 percent of the eligible voters shall vote in such referendum.

ARTICLE IX - LAND

SECTION 1. The Tribal Business Council shall have authority to manage and lease or otherwise deal with tribal lands and resources in accordance with law and to prevent the sale, disposition, lease or encumbrance of tribal lands, interest in land, or other tribal assets.

SECTION 2. Tribal lands, The unallotted lands of the Fort Berthold Indian Reservation and all lands which may hereafter be acquired by the Three Affiliated Tribes or by the United States in trust for the Three Affiliated Tribes, shall be held as tribal lands and no part of such land shall be mortgaged, sold, or ceded, except as permitted by law and then only with the consent and approval of the Secretary of the Interior. Tribal land shall not be allotted to individual Indians but may be assigned to members of the Three Affiliated Tribes, or leased, or otherwise used by the tribe as hereinafter provided.

SECTION 3. Leasing of Tribal land (a) Tribal land may be leased by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods as permitted by law. (b) Grazing permits covering tribal lands may be issued by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

SECTION 4. Assignments of Tribal Land (a) The Tribal Business Council may by ordinance, approved by the Secretary of the Interior, provide for granting and tenure of assignments of tribal land to members of the tribe. (b) Any member of the tribe who owns an allotment or any share of heirship land or patent-in-fee land may voluntarily transfer his interest in such land to the tribe in exchange for an assignment to the same land or for other land or a proportionate share in other tribal assets.

SECTION 5. Use of Unassigned Tribal Land - Tribal land which is not leased or assigned, including tribal timber lands, shall be managed by the Tribal Business Council subject to the approval of the Secretary of the Interior, for the benefit of the members of the tribe.

SECTION 6. Acquisition of Land by Tribe - The Tribal Business Council of the Three Affiliated Tribes is hereby authorized and empowered to acquire by purchase, exchange of tribal land, relinquishment, or otherwise any lands or interests in land for and on behalf of the Three Affiliated Tribes under such terms as may be agreed upon provided the acquisition is approved by the Secretary of the Interior.

ARTICLE X - AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment when requested by a two-thirds (2/3) vote fo the Tribal Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters.

BYLAWS OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION

ARTICLE I - DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Business Council shall preside at all meetings of the council and direct the work of its officers. He shall appoint, subject to the approval of the council, such standing committees and special committees and other officers as the business of the tribe may require.

In the absence of the chairman from any regular council meeting or any special meeting regularly called, the vice chairman shall preside in his place, and he shall have all the privileges, duties, and responsibilities of the chairman in his absence.

SECTION 2. The Secretary of the Tribal Business Council shall conduct all correspondence of the council, shall keep all records, minutes of meetings, and an accurate roll of members by communities. He shall receive all petitions, applications and other papers and prepare them for the action of the council. He shall promptly submit a copy of the minutes of each council meeting to the Superintendent of the agency. He shall perform such other clerical duties relating to the business of the council as it may direct.

SECTION 3. The Treasurer of the Tribal Business Council shall accept, receipt for, keep, and safeguard all funds in the custody of the council, whether they be tribal funds for special funds for which the council is acting as trustee or custodian. He shall deposit all such funds in a bank or elsewhere as directed by the council and shall make and keep a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody to the council at regular meetings and at such other times as requested by the council, his reports to be in writing and matters of record.

He shall not expend or otherwise disburse any funds in his possession or in the possession or custody of the Tribal Business Council except when he is authorized to do so by resolution duly passed by the council. All checks shall be signed by the Treasurer and shall be countersigned by the Chairman of the Tribal Business Council, and all checks issued prior to July 1, 1940, shall be approved by the Superintendent of the Reservation.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the council, and at such other times as the council or the Commissioner of Indian Affairs may direct. The Treasurer shall be required to be under a surety bond satisfactory to the council and to the Commissioner of Indian Affairs.

SECTION 4. The Tribal Business Council, or an election board appointed by it, shall certify to the election of the duly elected council members within 3 days after the election, and the newly elected councilmen who have been certified shall be installed at the first meeting of the Tribal Business Council thereafter, upon subscribing to the oath of office as follows:

"I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, and will faithfully and impartially discharge the duties of councilman to the best of my ability."

SECTION 5. The duties of all appointed committees and officers shall be clearly defined by resolution of the council at the time of their appointment, and such committees and officers shall report from time to time as required by the Council, and their activities and decisions shall be subject to review by the council at any time.

ARTICLE II - SALARIES

The Tribal Business Council may prescribe such salaries for council members and tribal officers appointed by the council as it deems advisable, from such funds as may be available, provided that no compensation shall be paid to any tribal officer out of any tribal funds except by resolution duly passed and approved by the council, and subject to popular referendum the same as other powers of the council, and further provided that no compensation shall be paid to any tribal officer out of tribal funds under the control of the Federal Government except upon a resolution stating the amount of the compensation and the nature of the services rendered, and said resolution shall be of no effect until approved by the Secretary of the Interior.

ARTICLE III - MEETING OF COUNCIL

SECTION 1. The regular meetings of the Tribal Business Council shall be held at such place as may be designated by the Tribal Business Council, on the second Thursday of each month.

SECTION 2. Special meetings may be called by the Chairman or by any three councilmen who shall notify all members of the council at least twenty-four (24) hours before the time of convening such meeting unless a majority of the council approve a shorter call in an emergency.

SECTION 3. Seven members shall constitute a legal quorum of the Tribal Business Council.

SECTION 4. In the absence of the Chairman and Vice Chairman if a quorum is otherwise present, the Secretary shall set as chairman until a temporary chairman is selected.

SECTION 5. At the first meeting of a newly selected Tribal Business Council, it shall establish by resolution a regular order of business such as: Roll call, reading of minutes of previous meeting, report of Treasurer, report of committees, unfinished business, new business, etc.

ARTICLE IV - ADOPTION OF CONSTITUTION AND BYLAWS

This Constitution and attached Bylaws, when adopted by a majority of the qualified voters of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those qualified shall vote, shall be submitted to the Secretary of Interior for his approval, and shall be in effect from the date of his approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 11, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation and was on May 15, 1936, duly ratified by a vote of 366 for, and 220 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

George W. Grinnell,
Chairman of Election Board.
Aurthur Mandan,
Chairman of Business Council
Peter H. Beauchamp,
Secretary.

W. R. Beyer, Superintendent

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws are hereby declared inapplicable to the members of the Three Affiliated Tribes .

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended June 3, 1936.

John Collier,
Commissioner of Indian Affairs.

Harold L. Ickes
Secretary of the Interior
(Seal)

Washington, D.C., June 29, 1936.

AMENDMENT
CONSTITUTION AND BYLAWS
of the
THREE AFFILIATED TRIBES
of the
FORT BERTHOLD RESERVATION
NORTH DAKOTA

AMENDMENT VI

Section 1 of Article II, MEMBERSHIP, shall be deleted and replaced by Sections 1(a), (b) and (c) which shall read as follows:

Section 1. Membership. The membership of the Three Affiliated Tribes of the Fort Berthold Reservation shall consist of:

(a) All persons whose names appear on the membership of the Tribes as of October 2, 1974.

(b) Any persons born before the effective date of this amendment and to any member of the Tribes who was a resident of the reservation at the time of birth of said person.

(c) All persons of at least 1/4 degree Indian blood of a federally recognized tribe provided at least 1/8 Indian blood be of the Gros Ventre, Mandan and/or Arickara Tribes.

Former Section 2 of Article II, MEMBERSHIP, shall be Section 3, and shall read as follows:

Section 3. The Tribal Business Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership, the adoption of new members and the revision of the membership rolls from time to time as determined by such ordinances.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY
P.O. BOX 428
NEW TOWN, NORTH DAKOTA 58763

IN REPLY REFER TO:

CERTIFICATE OF RESULTS OF ELECTION

AMENDMENT A

Pursuant to an election authorized by the Secretary of the Interior on September 3, 1975, the attached Constitution and Bylaws, or amendment, of the Three Affiliated Tribes was submitted to the qualified voters of the Tribe and was on November 19, 1975, duly adopted by a vote of 483 for and 217 against, in an election in which at least 30 per cent of the 1,641 members entitled to vote cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 15, 1935 (49 Stat. 378).

Anson A. Baker 11-19-75
Anson A. Baker, Chairman

Marilyn C. Hudson 11-19-75
Marilyn C. Hudson, Secretary

Allison Hall 11-19-75
Allison Hall, Board Member

APPROVAL

I, Harley D. Zephier, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, hereby approve the attached Amendment VI to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

(Sgd) Harley D. Zephier

Area Director

Date: DEC 12 1975

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
CONSTITUTION AND BYLAWS
of the
THREE AFFILIATED TRIBES
of the
FORT BERTHOLD RESERVATION
NORTH DAKOTA

AMENDMENT VII

Section 2 of Article II, MEMBERSHIP, shall be deleted and replaced by Sections 2(a) and (b) as follows:

Section 2. Dual Enrollment.

(a) Persons enrolled with another tribe and who have received benefits from such tribe in the form of land or payments shall not be eligible for enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation, provided that inherited interests shall not be considered as being benefits.

(b) A person eligible for membership with the Three Affiliated Tribes of the Fort Berthold Reservation and another tribe shall relinquish whatever rights of membership he may hold in the other tribe as a condition to his enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation.

(As clarified in Amendment VI, it is understood that former Section 2 shall be Section 3.)

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY
P.O. BOX 428
NEW TOWN, NORTH DAKOTA 58763

IN REPLY REFER TO:

CERTIFICATE OF RESULTS OF ELECTION

AMENDMENT B

Pursuant to an election authorized by the Secretary of the Interior on September 3, 1975, the attached Constitution and Bylaws, or amendment, of the Three Affiliated Tribes was submitted to the qualified voters of the Tribe and was on November 19, 1975, duly adopted by a vote of 456 for and 237 against, in an election in which at least 30 per cent of the 1,641 members entitled to vote cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 15, 1935 (49 Stat. 378).

11-19-75
Anson A. Baker, Chairman

11-19-75
Marilyn C. Hudson, Secretary

11-19-75
Allison Hall, Board Member

APPROVAL

I, Harley D. Zephier, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, hereby approve the attached Amendment VII to the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

(Sgd) Harley D. Zephier

Area Director

Date: DEC 1 [illegible] 1975

Aberdeen Area Office
Aberdeen, South Dakota

CONSTITUTION AND BYLAWS OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION
NORTH DAKOTA

APPROVED JUNE 29, 1936

including

AMENDMENT NO. I, APPROVED OCTOBER 16, 1956

AMENDMENT NO. II, APPROVED DECEMBER 22, 1961

Amended Oct 1974

CONSTITUTION AND BYLAWS OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION

PREAMBLE

We, the Arickara, Gros Ventres, and Mandan Indians of the Fort Berthold Reservation, in North Dakota, eagerly embrace the opportunities for self-rule, and in order to enjoy the blessings of liberty and justice; to intelligently protect our vested rights under existing treaties and the constitution of the United States; to guarantee to our posterity a more hopeful future; to preserve and develop our real estate and resources; to promote educational efficiency for the enhancement of good citizenship; to promote the general welfare of the three tribes; to make possible a more hopeful, self-sustaining, and honorable living, socially and economically, do, with deep consciousness of God, as our sovereign, ordain and establish this constitution for the Three Affiliated Tribes of this reservation.

ARTICLE I--TERRITORY

The jurisdiction of the Three Affiliated Tribes of the Fort Berthold Reservation shall extend to Indian Trust and Tribal lands within the confines of the Fort Berthold Reservation, as defined in the treaty of September 17, 1851; to lieu lands outside of such boundaries; and to such other lands, within or without such boundaries, as have been or may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II--MEMBERSHIP

SECTION 1. ~~The membership of the Three Affiliated Tribes of the Fort Berthold Reservation shall consist of all persons of Indian blood whose names appear on the official census roll of the three tribes as of April 1, 1935; and all children born to any member of the tribes who is a resident of the reservation at the time of the birth of said children.~~

Amended See Amd. VI, VII Dec. 12, 1977

SEC. 3. The Tribal Business Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership, the adoption of new members and the revision of the membership rolls from time to time as determined by such ordinances.

ARTICLE III--GOVERNING BODY

SECTION 1. The governing body of the Three Affiliated Tribes of the Fort Berthold Reservation shall be known as the Tribal Business Council.

changed by amendment III Oct. 21, 1974

SEC. 2. The Tribal Business Council shall consist of 10 members elected from segments of the Reservation as follows:

Western Segment	3 Representatives
Northern Segment	1 Representative
Northeastern Segment	1 Representative
Eastern Segment	3 Representatives
Southern Segment	2 Representatives

SEC. 3. The boundaries of the segments shall be described as follows:

Western - That part of the reservation bounded on the East by the Garrison Reservoir and on the South by the Little Missouri River arm of the Garrison Reservoir.

Northern - That part of the reservation bounded on the West and South by the Garrison Reservoir and on the East by the Shell Creek arm of the Garrison Reservoir.

Northeastern - That part of the reservation bounded on the West by the Shell Creek arm of the Garrison Reservoir and on the South by the Lucky Mound Creek arm of the Garrison Reservoir.

Eastern - That part of the reservation bounded on the South and West by the Garrison Reservoir and on the West and North by the Lucky Mound Creek arm of the Garrison Reservoir.

Southern - That part of the reservation bounded on the North by the Garrison Reservoir and on the North and West by the Little Missouri River arm of the Garrison Reservoir.

SEC. 4. The Tribal Business Council shall have the authority to change the segment boundaries, subject to the approval of the voters of the reservation at any regular or special election.

changed by amendment III approved Oct 21 1974

SEC. 5. Within 3 days after the election for councilmen has been held, the newly elected Tribal Business Council shall meet and organize by electing a chairman, a vice chairman, a secretary, and a treasurer from its own members; and from within or outside its own members, it may elect or appoint a sergeant at arms and such other officers and committees as it may find necessary.

See Res. 75-160 attached

SEC. 6. The members of the Tribal Business Council shall hold office until the next regular election and until their successors are elected or appointed and qualified.

changed by amendment IV approved Oct 23 74

ARTICLE IV--NOMINATIONS AND ELECTIONS

SECTION 1. All elections shall be by secret ballot.

SEC. 2(a). Any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is 18 years of age or over, shall be ~~entitled~~ eligible to vote at any Tribal election.

changed by amendment III approved Oct. 23, 1974

SEC. 2(b). Absentee ballots will be furnished to any enrolled non-resident member of the tribes upon request to the tribal secretary made 10 days before the election. The ballot must be returned to and reach the tribal secretary on or before the date of the election in order that it may be counted.

SEC. 3(a). ~~Not less than 20 days nor more than 30 days after the date on which this amendment becomes effective an election shall be held. At said election representatives to the Tribal Business Council from the segments as described herein shall be elected to serve until September 1958. Thereafter, the regular election of a Tribal Business Council shall be held on the first Tuesday of September in even numbered years.~~

SEC. 3(b). Notice of regular elections shall be given by the secretary of the Tribal Business Council who shall give to all enrolled members of the tribe 30 days notice of the time and place of the regular election. In the event the tribal secretary shall fail to give the appropriate notice, or in case a regular election has not been held, the Secretary of the Interior, upon the receipt of a petition signed by at least 30 percent of the adult members of the tribe, shall call such election and give 25 days notice, setting the time and place.

SEC. 4. Special elections may be called by a two-thirds vote of the Tribal Business Council in favor of such special election, or by a petition signed by at least 10 percent of the qualified voters of each community as provided in Article VIII.

SEC. 5. All elections shall be held under the supervision of the Tribal Business Council or an election board appointed by that Council, and the Tribal Business Council or the election board appointed by it, shall make rules and regulations governing all elections, and shall designate the polling places and the election officers.

SEC. 6. In the first election after the adoption of this amendment any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate to represent said segment on the Tribal Business Council by filing a notice of his candidacy with the Secretary of the Tribal Business Council at least 15 days before the election in which he is to be a candidate. In all succeeding elections a qualified voter to be

eligible to come a candidate must have resided in the segment he proposes to represent for a period of at least six months next preceding the date of the election. At least 10 days before the election, the Secretary of the Tribal Business Council shall post the names of all candidates in each voting community. In the event that any community has no qualified candidate, as provided herein, such community may nominate one or more candidates by petition, signed by at least 10 qualified voters of such community.

(add paragraph) see amended # III, approved 10-21-74

ARTICLE V--VACANCIES AND REMOVAL FROM OFFICE

Changed by amendment III approved Oct 21, 74

SECTION 1. If a council member shall die, resign, or be permanently remove from the reservation, or be removed for cause, the Council shall declare such position vacant and shall elect to fill the unexpired term from a list of names recommended by a petition signed by a majority of the voters of the community in which the vacancy occurs, and provided that the person elected or appointed by the Tribal Business Council to fill the unexpired term shall be a resident of the community in which the vacancy occurred, and otherwise eligible for the office.

SEC. 2. The Tribal Business Council may expel a member for cause by seven or more members voting for such expulsion, but before any vote is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated meeting of the Council, and the decision of the Tribal Business Council shall be final as to the expulsion or retention of such member.

ARTICLE VI--POWERS

SECTION 1. The Three Affiliated Tribes of the Fort Berthold Reservation, acting through their Tribal Business Council shall have the powers enumerated in this Article, but any power exercised through that council shall be subject to a popular referendum as provided in this Constitution.

SEC. 2. The exercise of the powers enumerated in this Constitution is subject to any limitations imposed by the Statutes of the United States or the Constitution of the United States, and to all express restrictions upon such powers contained in this Constitution and Bylaws.

SEC. 3. The powers enumerated in this Section 3 shall be subject to the approval of the Secretary of the Interior, and may be exercised through the Tribal Business Council which shall have the power, subject to popular referendum as provided in Article VIII of this Constitution:

(a) To present and prosecute any claims or demands of the Three Affiliated Tribes, and to assist members of the Three Affiliated Tribes in presenting their claims or grievances before any court

[illegible] of government, and to employ attorneys of record or representatives for such services, and to determine their fees.

(b) To promulgate ordinances governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances in cases which do not come within the jurisdiction of the Federal courts exclusively.

(c) To promulgate ordinances and to adopt rules and regulations and codes for the regulation of the domestic relations of members, and governing marriage, divorce, legitimacy, adoption, the care of dependents, the punishment of offenses against the marriage relationship, and the issuance of licenses and decrees of divorce; all of the matters enumerated in this section to be administered by the Tribal Business Council through a reservation or tribal court, except such of these matters as the Tribal Business Council may by ordinance or resolution leave to state laws and courts.

(d) To remove or exclude from the limits of the reservation, non-members of the tribe, excepting authorized government officials and other persons now occupying reservation lands under lawful authority, and to prescribe appropriate rules and regulations governing such removal and exclusion, and governing the conditions under which non-members of the tribe may come upon tribal lands or have dealings with the tribal members; and to levy taxes or license fees on non-members doing business within the reservation, such acts to be consistent with Federal laws governing trade with Indian Tribes.

SEC. 4. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior shall be presented to the Superintendent of the Fort Berthold Reservation, who shall, within 10 days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Business Council of his veto.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him within 10 days after its enactment, he shall advise the Tribal Business Council of his reasons therefor. If these reasons appear to the Council insufficient, it may by a majority vote, refer the resolution or ordinance to the Secretary of the Interior, who may, within 90 days of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

See Res. 75-160

[illegible] The Tribal Tax [illegible] Council shall have the following [illegible] exercise of [illegible] to regulate [illegible] [illegible] [illegible]

[illegible] Tribal all [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] and [illegible] [illegible] [illegible] [illegible]

lands; and to cultivate and preserve native arts, crafts, culture, ceremonials, and traditions.

(k) To make recommendations to the Superintendent of the Fort Berthold Agency, the Commissioner of Indian Affairs, or the Secretary of the Interior, concerning the appointment and removal of employees assigned to duty on the Fort Berthold Reservation.

(l) To adopt resolutions regulating the procedure of the Tribal Business Council and other tribal agencies and tribal officials of the reservation.

SEC. 6. Otherwise subject to popular referendum, the Tribal Business Council may exercise such further powers as may in the future be delegated to the Three Affiliated Tribes of the Fort Berthold Reservation by the Secretary of the Interior or by any other duly authorized official or agency of government.

SEC. 7. Any rights and powers heretofore vested in the three tribes of the Fort Berthold Reservation, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Fort Berthold Reservation through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VIII--REFERENDUM

Upon a petition signed by at least 10 percent of the qualified voters of each community, demanding a referendum on any proposed or enacted ordinance or resolution of the Tribal Business Council, the council shall call an election and the vote of a majority of the qualified voters voting in such referendum shall be binding upon the Tribal Business Council, provided that at least 30 percent of the eligible voters shall vote in such referendum.

ARTICLE IX--LAND

SECTION 1. The Tribal Business Council shall have authority to manage and lease or otherwise deal with tribal lands and resources in accordance with law and to prevent the sale, disposition, lease or encumbrance of tribal lands, interest in lands, or other tribal assets.

SEC. 2. Tribal lands. The unallotted lands of the Fort Berthold Indian Reservation and all lands which may hereafter be acquired by the Three Affiliated Tribes or by the United States in trust for the Three Affiliated Tribes, shall be held as tribal lands and no part of such land shall be mortgaged, sold, or ceded, except as permitted by law and then only with the consent and approval of the

Secretary of the Interior. Tribal land shall not be allotted to individual Indians but may be assigned to members of the Three Affiliated Tribes, or leased, or otherwise used by the tribe as hereinafter provided.

SEC. 3. Leasing of Tribal land - (a) Tribal land may be leased by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods as permitted by law. (b) Grazing permits covering tribal lands may be issued by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

SEC. 4. Assignments of Tribal Land - (a) The Tribal Business Council may by ordinance, approved by the Secretary of the Interior, provide for granting and tenure of assignments of tribal land to members of the tribe. (b) Any member of the tribe who owns an allotment or any share of heirship land or patent-in-fee land may voluntarily transfer his interest in such land to the tribe in exchange for an assignment to the same land or for other land or a proportionate share in other tribal assets.

SEC. 5. Use of Unassigned Tribal Land - Tribal land which is not leased or assigned, including tribal timber lands, shall be managed by the Tribal Business Council subject to the approval of the Secretary of the Interior, for the benefit of the members of the tribe.

SEC. 6. Acquisition of Land by Tribe - The Tribal Business Council of the Three Affiliated Tribes is hereby authorized and empowered to acquire by purchase, exchange of tribal land, relinquishment, or otherwise any lands or interests in land for and on behalf of the Three Affiliated Tribes under such terms as may be agreed upon provided the acquisition is approved by the Secretary of the Interior.

ARTICLE X--AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment when requested by a two-thirds (2/3) vote of the Tribal Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters.

BYLAWS OF THE TRIBAL AFFILIATED BODIES OF THE FORT
BERTHOLD RESERVATION

ARTICLE I--DUTIES OF OFFICERS

See Res. 75-160

SECTION 1. The Chairman of the Tribal Business Council shall preside at all meetings of the council and direct the work of its officers. He shall appoint, subject to the approval of the council, such standing committees and special committees and other officers as the business of the tribe may require.

In the absence of the chairman from any regular council meeting or any special meeting regularly called, the vice chairman shall preside in his place, and he shall have all the privileges, duties, and responsibilities of the chairman in his absence.

SEC. 2. The Secretary of the Tribal Business Council shall conduct all correspondence of the council, shall keep all records, minutes of meetings, and an accurate roll of members by communities. He shall receive all petitions, applications and other papers and prepare them for the action of the council. He shall promptly submit a copy of the minutes of each council meeting to the Superintendent of the agency. He shall perform such other clerical duties relating to the business of the council as it may direct.

SEC. 3. The Treasurer of the Tribal Business Council shall accept, receipt for, keep, and safeguard all funds in the custody of the council, whether they be tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all such funds in a bank or elsewhere as directed by the council and shall make and keep a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody to the council at regular meetings and at such other times as requested by the council, his reports to be in writing and matters of record.

He shall not expend or otherwise disburse any funds in his possession or in the possession or custody of the Tribal Business Council except when he is authorized to do so by resolution duly passed by the council. All checks shall be signed by the Treasurer and shall be countersigned by the Chairman of the Tribal Business Council, and all checks issued prior to July 1, 1940, shall be approved by the Superintendent of the reservation.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the council, and at such other times as the council or the Commissioner of Indian Affairs may direct. The Treasurer shall be required to be under a surety bond satisfactory to the council and to the Commissioner of Indian Affairs.

SEC. 4. The Tribal Business Council, or an election board appointed by it, shall certify to the election of the duly elected council members within 3 days after the election, and the newly elected councilmen who have been certified shall be installed at the first meeting of the Tribal Business Council thereafter, upon subscribing to the oath of office as follows: "I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, and will faithfully and impartially discharge the duties of councilman to the best of my ability."

SEC. 5. The duties of all appointed committees and officers shall be clearly defined by resolution of the council at the time of their appointment, and such committees and officers shall report from time to time as required by the council, and their activities and decisions shall be subject to review by the council at any time.

ARTICLE II--SALARIES

The Tribal Business Council may prescribe such salaries for council members and tribal officers appointed by the council as it deems advisable, from such funds as may be available, provided that no compensation shall be paid to any tribal officer out of any tribal funds except by resolution duly passed and approved by the council, and subject to popular referendum the same as other powers of the council, and further provided that no compensation shall be paid to any tribal officer out of tribal funds under the control of the Federal Government except upon a resolution stating the amount of the compensation and the nature of the services rendered, and said resolution shall be of no effect until approved by the Secretary of the Interior.

ARTICLE III--MEETING OF COUNCIL

Changed by amendment approved Oct 23, 74

SECTION 1. The regular meetings of the Tribal Business Council shall be held at ~~Elbowoods, N. Dak.~~ such place as may be designated by the tribal business council, on the second Thursday of each month.

SEC. 2. Special meetings may be called by the Chairman or by any three councilmen who shall notify all members of the council at least twenty-four (24) hours before the time of convening such meeting unless a majority of the council approve a shorter call in an emergency.

SEC. 3. Seven members shall constitute a legal quorum of the Tribal Business Council.

SEC. 4. In the absence of the Chairman and Vice Chairman if a quorum is otherwise present, the Secretary shall act as chairman until a temporary chairman is selected.

[illegible] business [illegible] a regular order of business such as: Roll call, reading of minutes of previous meeting, report of Treasurer, report of committees, unfinished business, new business, etc.

ARTICLE IV--ADOPTION OF CONSTITUTION AND BYLAWS

This Constitution and attached Bylaws, when adopted by a majority of the qualified voters of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those qualified shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in effect from the date of his approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 11, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation and was on May 15, 1936, duly ratified by a vote of 366 for, and 220 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378).

GEORGE W. GRINNELL,
Chairman of Election Board
AUTHUR MANDAN,
Chairman of Business Council.
PETER H. BEAUCHAMP,
Secretary.

W. R. Beyer, Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws are hereby declared inapplicable to the members of the Three Affiliated Tribes.

[illegible] and employees of the Interior Department are ordered abide by the provisions of the said Constitution and By-laws.

Approval recommended June 3, 1936.

John Collier,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
[SEAL]

Washington, D. C., June 29, 1936.